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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/710,625	07/26/2004	Nicholas J. Cusick	34625	4343
23589	7590 01/10/2006		EXAMINER	
HOVEY WILLIAMS LLP			CHAMBERS, MICHAEL S	
	D BLVD., SUITE 400 FY, MO 64108		ART UNIT	PAPER NUMBER
,			3711	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Examination time may be available under the provident of 37 CRT 1:30(a). In no event, however, may a reply be timely filled  If NO period for reply a specified above, the maximum statutory period will apply and will explie SLX (9) MONTHS from the mailing date of this communication.  Faither for reply within the soft or certified period for reply legislation and provident the status of the communication of the mailing date of this communication, even if timely filled, may reduce any seamed patient time aliquiamic. See 37 CRT 1:76(4):  Status  1) Responsive to communication (5) filed on 25 February 2005  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1:58 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are replected to by the Examiner.  10) The drawing(s) filed on is/are: a) cacepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) Mone of:  1. Certified copies of the priority documents have been received in Application No.			Application No.	Applicant(s)				
Mike Chambers   3711	Office Action Summary		10/710,625	CUSICK, NICHOLAS J.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Exensions of term may be available under the provisors of 37 CFR 1.136(), in no event, however, may reply be timely little of the provisor of the provisors of 37 CFR 1.136(), in no event, however, may reply be timely little of this communication.  Failure to reply is pecified above, the mainten entire statutory period will eaply and will expire SIX (6) MONTHS from the mainting date of this communication.  Failure to reply when the soft or central period for reply is pecified above, the mainting date of the communication, even if anyly freed, may reduce any service jament than their mainting date of the communication, even if anyly field, may reduce any service jament than the provision of the			Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extractions of terre may be available under the provisions of 37 CFR 1.35(a). In or event, however, may a reply be timely filled.  - Extractions of terre may be available under the provisions of 37 CFR 1.35(a). In or event, however, may a reply be timely filled.  - If No pariod to reply is specified above, the maximum statutory pelled way apply and will expire fix (8) MONTHS from the mailing date of this communication.  - Fallane to reply within the set or extended period for reply will, by standing close of the communication, even if timely filled. may reduce any will be set on the set of this communication, even if timely filled. may reduce any standing plant term subjections. Set 37 CFR 1.74(b).  - Status  1) □ Responsive to communication(s) filled on 25 February 2005.  2a) □ This action is FINAL.  2b) □ This action is FINAL.  2b) □ This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Ctaims  4) □ Claim(s) <u>1.58</u> is/are pending in the application.  4a) Of the above claim(s) <u>is/are withdrawn from consideration.</u> 50 □ Claim(s) <u>is/are allowed.</u> - Claim(s) <u>is/are allowed.</u> - Claim(s) <u>is/are allowed.</u> - Claim(s) <u>is/are rejected.</u> - The specification is objected to by the Examiner.  - Diplication Papers  9 □ The specification is objected to by the Examiner.  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.15(d).  11) □ The coath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  - Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S			Mike Chambers	3711				
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Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)		· · · · · · · · · · · · · · · · · · ·						
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**DETAILED ACTION** 

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1- 44 are drawn to soccer pads, classified in class 473, subclass

478.

II Claims 45-58 are drawn to a method of making soccer pads, classified in

class 473, subclass 476.

Inventions I and II are related as process of making and product made. The

inventions are distinct if either or both of the following can be shown: (1) that the

process as claimed can be used to make other and materially different product or (2)

that the product as claimed can be made by another and materially different process

(MPEP § 806.05(f)). The product could be made by means other than molding as for

example cutting and gluing a support pad. And the method could be used to form pipe

insulation.

Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

If applicant elects Group I, the following species restriction is also applied:

This application contains claims directed to the following patentably distinct

species of the claimed invention:

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Group III- Soccer goal padding as shown in Fig 1.

Group IV- Soccer goal padding as shown in Fig 5.

Group V- Soccer goal padding as shown in Fig 6.

Group VI- Soccer goal padding as shown in Fig 7.

Group VII- Soccer goal padding as shown in Fig 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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 $\underline{\text{case.}}$  In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35

U.S.C. 103(a) of the other invention.

Applicant's representative Andrew Colombo was contacted by phone on January

4, 2006. Applicant's representative has chosen not to elect at this time

which resulted in the mailing of this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Chambers whose telephone number is (571) 272-

4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gene Kim can be reached on (571) 272-4463. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michael Chambers

Examiner

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January 4, 2006

EUGENE KIM BUPERVISORY PATENT EXAMINER

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